

# The Gazette of India

EXTRAORDINARY

PART II—Section 1

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MINISTRY OF LAW

*New Delhi, the 1st May, 1954*

The following Acts of Parliament received the assent of the President on the 30th April, 1954 and are hereby published for general information:—

THE ABSORBED AREAS (LAWS) ACT, 1954

No: 20 OF 1954

[30th April, 1954]

An Act to extend certain laws to the areas which, prior to the commencement of the Constitution, were administered as excluded or partially excluded areas and which, on such commencement, were absorbed in certain States.

Be it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Absorbed Areas (Laws) Act, 1954.

**2. Definitions.**—In this Act, unless the context otherwise requires,—

(a) “absorbing State”, in relation to an absorbed area means a State specified in the heading of the Schedule in which that absorbed area is specified;

(b) “absorbed area” means an area specified in column 2 of the Schedule.

**3. Extension of laws.**—The Acts specified in column 1 of each of the Schedules and all rules, notifications, orders, schemes, forms and bye-laws made thereunder, as in force in the absorbing State specified in the heading of that Schedule, are hereby extended to, and shall be in force in, the absorbed areas specified in column 2 of that Schedule.

## THE SCHEDULES

(See sections 2 and 3)

## SCHEDULE I

## BIHAR

<i>Name of the Act</i>	<i>The absorbed areas</i>
1	2
The Requisitioned Land (Apportionment of Compensation) Act, 1949 (LI of 1949)	1. Hazaribagh and Manbhum Districts. 2. Sadar Sub-Division of the Palamau District. 3. Dhalbhum Sub-Division of the Singhbhum District. 4. Godda and Deoghar Sub-Divisions of the Santal Parganas District.

## SCHEDULE II

## BOMBAY

<i>Name of the Act</i>	<i>The absorbed areas</i>
1	2
1. The Indian Extradition Act, 1903 (XV of 1903). 2. The Whipping Act, 1909 (IV of 1909). 3. The Police (Incitement to Disaffection) Act, 1922 (XXII of 1922). 4. The Cotton Transport Act, 1923 (III of 1923). 5. The Port Haj Committees Act, 1932 (XX of 1932). 6. The Seaward Artillery Practice Act, 1949 (VIII of 1949).	1. Shahda, Nandurbar and Taloda Talukas of the West Khandesh District. 2. The Dohad Taluka and the Jhalod Mahal of the Panch Mahal District

## SCHEDULE III

## ORISSA

<i>Name of the Act</i>	<i>The absorbed area</i>
1	2
1. The Metal Tokens Act, 1889 (I of 1889). 2. The White Phosphorus Matches Prohibition Act, 1913 (V of 1913). 3. The Indian Emigration Act, 1922 (VII of 1922). 4. The Coal Grading Board Act, 1925 (XXXI of 1925). 5. The Coal Mines Provident Fund and Bonus Schemes Act, 1948 (XLVI of 1948).	Angul.

SCHEDULE IV

UTTAR PRADESH

<i>Name of the Act</i>	<i>The absorbed areas</i>
1	2
1. The Indian Power Alcohol Act, 1948 (XXII of 1948).	Jaunsar Bawar Parganas in the Dehra Dun District and the areas of South of Kaimpur range in the Mirzapur District.
2. The Employees' State Insurance Act, 1948 (XXXIV of 1948).	

SCHEDULE V

WEST BENGAL

<i>Name of the Act</i>	<i>The absorbed area</i>
1	2
1. The Requisitioned Land (Apportionment of Compensation) Act, 1949 (LI of 1949).	Darjeeling District.
2. The West Bengal Raw Jute Futures Act, 1948 (West Bengal Act No. XXV of 1948).	

THE DRUGS AND MAGIC REMEDIES (OBJECTIONABLE ADVERTISEMENTS) ACT, 1954

No: 21 OF 1954

[30th April, 1954]

An Act to control the advertisement of drugs in certain cases, to prohibit the advertisement for certain purposes of remedies alleged to possess magic qualities and to provide for matters connected therewith.

BE it enacted by Parliament as follows:—

**1. Short title, extent and commencement.**—(1) This Act may be called the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954.

(2) It extends to the whole of India except the State of Jammu and Kashmir, and applies also to persons domiciled in the territories to which this Act extends who are outside the said territories.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2. Definitions.**—In this Act, unless the context otherwise requires,—

(a) 'advertisement' includes any notice, circular, label, wrapper, or other document, and any announcement made orally or by any means of producing or transmitting light, sound or smoke;

(b) 'drug' includes—

(i) a medicine for the internal or external use of human beings or animals;

(ii) any substance intended to be used for or in the diagnosis, cure, mitigation, treatment or prevention of disease in human beings or animals;

(iii) any article, other than food, intended to affect or influence in any way the structure or any organic function of the body of human beings or animals;

(iv) any article intended for use as a component of any medicine, substance or article, referred to in sub-clauses (i), (ii) and (iii);

(c) 'magic remedy' includes a talisman, *mantra*, *kavacha*, and any other charm of any kind which is alleged to possess miraculous powers for or in the diagnosis, cure, mitigation, treatment or prevention of any disease in human beings or animals or for affecting or influencing in any way the structure or any organic function of the body of human beings or animals;

(d) 'taking any part in the publication of any advertisement' includes—

(i) the printing of the advertisement,

(ii) the publication of any advertisement outside the territories to which this Act extends by or at the instance of a person residing within the said territories;

(e) 'venereal disease' includes syphilis, gonorrhœa, soft chancre, venereal granuloma and lympho granuloma.

**3. Prohibition of advertisement of certain drugs for treatment of certain diseases and disorders.**—Subject to the provisions of this Act, no person shall take any part in the publication of any advertisement referring to any drug in terms which suggest or are calculated to lead to the use of that drug for—

(a) the procurement of miscarriage in women or prevention of conception in women; or

(b) the maintenance or improvement of the capacity of human beings for sexual pleasure; or

(c) the correction of menstrual disorder in women; or

(d) the diagnosis, cure, mitigation, treatment or prevention of any venereal disease or any other disease or condition which may be specified in rules made under this Act.

**4. Prohibition of misleading advertisements relating to drugs.**—Subject to the provisions of this Act, no person shall take any part

in the publication of any advertisement relating to a drug if the advertisement contains any matter which—

(a) directly or indirectly gives a false impression regarding the true character of the drug; or

(b) makes a false claim for the drug; or

(c) is otherwise false or misleading in any material particular.

**5. Prohibition of advertisement of magic remedies for treatment of certain diseases and disorders.**—No person carrying on or purporting to carry on the profession of administering magic remedies shall take any part in the publication of any advertisement referring to any magic remedy which directly or indirectly claims to be efficacious for any of the purposes specified in section 3.

**6. Prohibition of import into, and export from, India of certain advertisements.**—No person shall import into, or export from, the territories to which this Act extends any document containing an advertisement of the nature referred to in section 3, or section 4, or section 5, and any documents containing any such advertisements shall be deemed to be goods of which the import or export has been prohibited under section 19 of the Sea Customs Act, 1878 (VIII of 1878) and all the provisions of that Act shall have effect accordingly, except that section 183 thereof shall have effect as if for the word 'shall' therein the word 'may' were substituted.

**7. Penalty.**—Whoever contravenes any of the provisions of this Act shall, on conviction, be punishable—

(a) in the case of a first conviction, with imprisonment which may extend to six months, or with fine, or with both;

(b) in the case of a subsequent conviction, with imprisonment which may extend to one year, or with fine, or with both.

**8. Confiscation of documents, etc., containing advertisements prohibited by this Act.**—Any person authorised by the State Government in this behalf may, at any time, seize and detain any document, article or thing which such person has reason to believe contains any advertisement which contravenes any of the provisions of this Act and the court trying such contravention may direct that such document (including all copies thereof), article or thing shall be forfeited to the Government.

**9. Offences by companies.**—(1) If the person contravening any of the provisions of this Act is a company, every person who at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence was committed with the consent or connivance of, or is attributable to any neglect on the part of, any director or manager, secretary or other officer of the company, such director, manager, secretary or other officer of the company shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section,—

(a) 'company' means any body corporate and includes a firm or other association of individuals, and

(b) 'director' in relation to a firm means a partner in the firm.

**10. Jurisdiction to try offences.**—No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence punishable under this Act.

**11. Officers to be deemed to be public servants.**—Every person authorised under section 8 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

**12. Indemnity.**—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

**13. Other laws not affected.**—The provisions of this Act are in addition to, and not in derogation of the provisions of any other law for the time being in force.

**14. Savings.**—(1) Nothing in this Act shall apply to—

(a) any sign board or notice displayed by a registered medical practitioner on his premises indicating that treatment for any of the diseases or disorders specified in section 3 is undertaken in those premises; or

(b) any treatise or book dealing with any of the matters specified in section 3 from a *bona fide* scientific or social standpoint; or

(c) any advertisement relating to any drug sent confidentially in the prescribed manner only to a registered medical practitioner or to a wholesale or retail chemist for distribution among registered medical practitioners or to a hospital or laboratory; or

(d) any advertisement relating to a drug printed or published by the Government, or, with the previous sanction of the Government, by any other person; or

(e) any advertisement, label or set of instructions which is permitted under the Drugs Act, 1940 (XXIII of 1940), or any rules made thereunder.

(2) In this section,—

(a) 'Registered medical practitioner' means any person,—

(i) who holds a qualification granted by an authority specified in, or notified under, section 3 of the Indian Medical Degrees Act, 1916 (VII of 1916) or by an authority specified in any of the Schedules to the Indian Medical Council Act, 1933 (XXVI of 1933); or

(ii) who is entitled to be registered as a medical practitioner under any law for the time being in force in any State to which this Act extends relating to the registration of medical practitioners;

(b) 'hospital' includes a clinic, dispensary or other institution for the reception of the sick, whether as in-patients or out-patients.

**15. Power to exempt from application of Act.**—If in the opinion of the Central Government public interest requires that the advertisement of any specified drug or class of drugs should be permitted, it may, by notification in the Official Gazette, direct that the provisions of sections 3, 4, 5 and 6 or any one of such provisions shall not apply or shall apply subject to such conditions as may be specified in the notification to or in relation to the advertisement of any such drug or class of drugs.

**16. Power to make rules.**—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) specify any disease or condition to which the provisions of section 3 shall apply;

(b) prescribe the manner in which advertisements of articles or things referred to in clause (c) of sub-section (1) of section 14 may be sent confidentially.

## THE INDIAN RAILWAYS (AMENDMENT) ACT, 1954

No. 22 OF 1954

[30th April, 1954]

An Act further to amend the Indian Railways Act, 1890

Be it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Indian Railways (Amendment) Act, 1954.

**2. Substitution of new section for section 53 in Act IX of 1890.**—For section 53 of the Indian Railways Act, 1890, the following section shall be substituted, namely:—

*"53. Maximum carrying capacity for wagons.*—(1) The gross weight of every wagon or truck bearing on the axles when the wagon or truck is loaded to its maximum carrying capacity shall

not exceed such limit as may be fixed by the Central Government for the class of axle under the wagon or truck.

(2) Subject to the limit fixed under sub-section (1), every railway administration shall determine the normal carrying capacity for every wagon or truck in its possession and shall exhibit the words and figures representing the normal carrying capacity so determined in a conspicuous manner on the outside of every such wagon or truck.

(3) Every person owning a wagon or truck which passes over a railway shall similarly determine and exhibit the normal carrying capacity for the wagon or truck.

(4) Notwithstanding anything contained in sub-section (2) or sub-section (3), where a railway administration thinks it necessary or expedient so to do in respect of any wagon or truck carrying any specified class of goods or any class of wagons or trucks of any specified type, it may, by notification, vary the normal carrying capacity for such wagon or truck or such class of wagons or trucks and, subject to such conditions as it may think fit to impose, determine for the same such carrying capacity as may be specified in the notification and it shall not be necessary to exhibit the words and figures representing the carrying capacity so determined on the outside of such wagon or truck or such class of wagons or trucks:

Provided that in no case the gross weight of such wagon or truck or such class of wagons or trucks shall exceed the limit fixed under sub-section (1) for the class of axle under the wagon or truck."

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## THE STATE ACQUISITION OF LANDS FOR UNION PURPOSES (VALIDATION) ACT, 1954

No. 23 OF 1954

[30th April, 1954]

An Act to validate the acquisition under the Land Acquisition Act, 1894, of lands by certain State Governments for the purposes of the Union, and orders passed and proceedings held in connection therewith.

BE it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the State Acquisition of Lands for Union Purposes (Validation) Act, 1954.

**2. Validation of certain acquisitions of land and proceedings and orders connected therewith.**—Every acquisition of land for the purposes of the Union made by any State Government acting or purporting to act under the Land Acquisition Act, 1894 (I of 1894), at any



time during the period beginning with the commencement of the Constitution and ending with the day on which the State Government was entrusted with the functions of the Central Government in relation to the acquisition of land for the purposes of the Union in pursuance of clause (1) of article 258 of the Constitution, and every proceeding held and order made during the said period in connection with the acquisition of land for any such purposes, shall be deemed to be, and always to have been, as valid as if the State Government had been duly entrusted with the said functions of the Central Government during the said period, and accordingly no acquisition so made, and no proceeding held and no order passed by any authority under the said Act in connection with any acquisition of land during the said period, shall be called in question merely on the ground that the State Government was not duly entrusted with the functions of the Central Government at the time the acquisition was made or the proceeding was held or the order was made.

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K. V. K. SUNDARAM,

*Secy. to the Govt. of India.*

